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May 16, 2022

**VIA ELECTRONIC FILING AND  
HAND DELIVERY FOR CONFIDENTIAL VERSION**

The Honorable Jocelyn G. Boyd  
Chief Clerk and Executive Director  
Public Service Commission of South Carolina  
101 Executive Center Drive, Suite 100  
Columbia, SC 29210

**Re: Power Purchase Agreement between Duke Energy Carolinas, LLC and Aquenergy  
Systems, LLC RE Ware Shoals Hydro Facility  
Docket No. 2022-\_\_\_\_-E**

**Request for Acceptance and Request for Confidential Treatment**

Dear Ms. Boyd:

Pursuant to S.C. Code Ann. § 58-41-20(E)(1), Duke Energy Carolinas, LLC (“DEC” or the “Company”), hereby submits the attached Power Purchase Agreement (“PPA” or the “Agreement”), executed by the Company and Aquenergy Systems, LLC related to the Ware Shoals Hydro Facility, for acceptance by the Commission.

Due to the commercial sensitivity and proprietary nature of certain portions of the Agreement, DEC respectfully requests that the Commission find that pursuant to S.C. Code Ann. Regs. 103-804(S)(2) and S.C. Code Ann. § 30-4-40(a)(1), certain provisions of the PPA are exempt from disclosure under the Freedom of Information Act, S.C. Code Ann. §§ 30-4-10 *et seq.*

The information contained in the PPA for which DEC seeks protection derives economic value from not being generally known to, and not being readily ascertainable by proper means, by other persons who would be able to obtain economic value from its disclosure. Disclosure of this information would reveal confidential pricing and conditions, as well as delivery parameters and details of the operating characteristics of the facility, all of which are proprietary and specific to this counter-party. In recognition of the confidentiality of the information, the parties to the PPA agreed to confidentiality provisions which prevent either party from disclosing any term of the PPA to any third party without the prior written consent of the other party. Protection of this information is consistent with the Commission’s recent orders protecting similar information in other power purchase agreements in Order No. 2022-41, issued on January 13, 2022 in Docket No. 2021-372-E and Order No. 2022-42, issued on January 13, 2022 in Docket No. 2021-373-E.

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Accordingly, the Company respectfully requests that it be permitted to file the confidential version of the PPA under seal and it be maintained as confidential pursuant to Order No. 2005-226. Attached with this letter is a redacted version of the PPA that protects from disclosure the commercially sensitive and proprietary information, while making available for public viewing non-protected information. Additionally, we are hand delivering a confidential version of the Agreement to the Commission and providing an electronic copy to the Office of Regulatory Staff.

Kind regards,



Sam Wellborn

Attachment

cc: Andrew Bateman, ORS (via email with attachment)